

REMARKS/ARGUMENTS

Applicant respectfully submits that Claims 1, 4-6, 8-10, 12, 19, 22-26, 28, 29, 40 and 42 are pending in this Application. In the Office Action mailed on the date of June 11, 2004, the Examiner, *inter alia*,:

- (1) rejected Claims 17 and 18 as indefinite under 35 U.S.C. § 112, second paragraph; and
- (2) rejected Claims 1, 4-6, 8-10, 12, 19, 22-26, 28, 29, 40 and 42 under the doctrine of double patenting over the claims of U.S. Patent No. 6,655,439 ("the '439 patent").

Applicant respectfully addresses the Examiner's rejection below.

Rejections of Claims 17 and 18 as indefinite:

In the Office Action, the Examiner rejected Claims 17 and 18 as indefinite. Claims 17 and 18 are cancelled by this Amendment. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 17 and 18.

Rejections under the judicially created doctrine of double patenting:

In the Office Action, the Examiner also rejected Claims 1, 4-6, 8-10, 12, 19, 22-26, 28, 29, 40 and 42 under the judicially created doctrine of double patenting over the claims of the '439 patent. Applicant submits herewith a Terminal Disclaimer, together with the requisite fees, disclaiming any part of the term of a patent issuing on the present Application which would exceed the term of the '439 patent.

CONCLUSION

In light of the remarks and arguments presented above, Applicant respectfully submits that the pending and amended claims in the Application are in condition for allowance. Favorable consideration and allowance of Claims 1, 4-6, 8-10, 12, 19, 22-26, 28, 29, 40 and 42 is therefore respectfully requested.

Applicant hereby authorizes the Commissioner to charge any fees, other than the issue fee, that may be required by this paper to Deposit Account 07-0153. If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Dated: 12-10-2004

Respectfully submitted,
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